

Serial No.: 10/602,546
Filing Date: June 23, 2003

REMARKS

In the Office Action, correction of claim 1 was required for compliance with 37 CFR 1.121. Further, the substitute specification provided with Applicants' Response of August 14, 2006 was not entered because it did not comply with 37 CFR 1.125(b) and (c).

Claim 1 has been amended and claims 2-3 have been cancelled. Claims 11-12 were previously withdrawn. Claims 1 and 4-12 are currently pending. Amendment to and cancellation of the claims does not affect inventorship.

Compliance with 37 CFR 1.121

In the Office Action, correction of claim 1 was required because claim 1 as listed in Applicants' previous Response of August 14, 2006 incorrectly included the indicator "original."

Claim 1 has been amended to include the appropriate indicator "currently amended." In addition, the amendment of the claim in Applicants' Response of August 14, 2006, along with the additional amendment of claim 1 in the instant Response as recommended by the Examiner (insertion of "deposit number NRRL 30910"), are indicated with underlining. While Applicant's believe that this addresses the request for correction in the outstanding Office Action, the Examiner is invited to contact the undersigned at 612-340-7862 for clarification if necessary.

Compliance with 37 CFR 1.125(b) and (c) and 35 USC 132(a)

The substitute specification was not entered because it was asserted in the Office Action that the added term "*protuberata*" is new subject matter. Applicants respectfully disagree. However, in the interest of advancing prosecution of this case, Applicants are submitting herewith a new substitute specification, in both marked-up and clean copy format, with the term "*protuberata*" removed. Thus, correction has been made and acceptance of the new substitute specification is respectfully requested.

Serial No.: 10/602,546
Filing Date: June 23, 2003

CONCLUSION

Thus, claims 1 and 4-10 are in condition for allowance. Reconsideration and a Notice of Allowance are respectfully requested.

This response is being filed on or before December 6, 2006, making this a timely response. Applicants believe no additional fees are due. However, the Commissioner is authorized to charge fees which may be required, including extension fees, or credit any overpayment, to Deposit Account No. 50-2319 (File No. 470425-00018 ; Docket No. A-72343/RMS/SDS).

Please direct any calls in connection with this application to the undersigned at (612) 340-7862.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: November 17, 2006
Dorsey & Whitney LLP
Intellectual Property Department
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY:


Sean D. Solberg, Reg. No. 48,653
for Robin M. Silva, Reg. No. 38,304

Customer Number: **32940**

4826-9002-7265\1111/14/2006 1:58 PM